

**FILED**

**JUN 15 2011**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

Steven F. Alder (00033)  
Emily E. Lewis (13281)  
Assistants Utah Attorney General  
1594 West North Temple St. #300  
Salt Lake City, Utah 84118  
Telephone 801 538 5348

**BEFORE THE BOARD OF OIL, GAS, AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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In the Matter of the Petition of Genwal  
Resources, Inc. for Review of Division Order  
DO-10A, Crandall Canyon Mine

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**STIPULATION GRANTING LEAVE TO  
AMEND AND SCHEDULING OF  
FURTHER  
PROCEEDINGS**

Docket No. 2010-026

Cause No. C/015/0032

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The Utah Division of Oil, Gas and Mining (the “**Division**”) and Petitioner Genwal Resources, Inc. (“**Genwal**”) through their respective counsel and in anticipation of a written order by the Board granting the Division’s Motion to Amend its Division Order 10-A (“DO-10A”) and continuing the evidentiary hearing scheduled for June 22, 2011 until August Board Hearing, hereby Stipulate to an Order by the Board of Oil, Gas & Mining (the “**Board**”) providing the following schedule for further actions by the parties.

1. The Division will file its Amended DO-10A with the Board and serve a copy upon Genwal no later than June 20, 2011. Genwal will file any legal or procedural objections to the Amended DO-10A by July 10, 2011. These objections will include, but are not limited to

those set forth in paragraph 1 of the Stipulation adopted by the Pre-Hearing Order dated October 27, 2010. The Division will file any responses within 10 days. The Board will hear all arguments regarding Genwal's legal or procedural objections to the amendment, if any, at the July Board Hearing.

2. Subject to the Board's ruling on any procedural or due process claims or objections, including those (i) briefed and argued before the Board in January, 2011, and (ii) those issues argued before the Board in July, 2011, Genwal and the Division's rights to proceed with the appeal of the Amended DO-10A, and the Board's authority to resolve all issues regarding Amended DO-10A will continue with the same force and effect as if the Amended DO-10A had been filed at the time of the original Division Order that is the subject of this appeal, *ab initio*.

3. Genwal hereby withdraws its Motion to Strike the June 2, 2011 Supplemental Hydrologic Report ("Report") without prejudice to its rights to refile. The Division agrees that the Board shall not review the Report until the Board's customary review of all the evidence submitted in anticipation of the August evidentiary hearing on the technical hydrologic basis for the Amended DO 10-A.

4. This Stipulation is subject to the approval of the Board and entry of its Order regarding the matters as agreed to herein.

The foregoing Stipulation is approved by signature of counsel as of the date shown.

Dated: June 15, 2011

**GENWAL RESOURCES, INC.**

BY: 

**SNELL & WILMER, LLP**

Denise A. Dragoo

James P. Allen

15 West South Temple

Suite 1200

Salt Lake City, Utah 84101

Telephone: (801) 257-1900

**FABIAN & CLENDENIN**

Kevin N. Anderson

Jason W. Hardin

215 South State Street

Suite 1200

Salt Lake City, Utah 84111

Telephone: (801) 531-8900

Dated: June 15, 2011

**UTAH DIVISION OF OIL, GAS & MINING**

BY: 

Steven F. Alder

Fred Donaldson

Assistants Utah Attorney General

1594 West North Temple St. #300

Salt Lake City, Utah 84118

Telephone: (801) 538-5348

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STIPULATION TO ORDER REGARDING SCOPE OF HEARING** was mailed on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, via U.S. mail, postage prepaid, to the following:

\_\_\_\_\_